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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
vs.
GILDARDO PEREZ AVILEZ,
Defendant
}) Case No.: 22-CR-167 WBS
}) STIPULATION AND ORDER TO
}) CONTINUE CASE FOR CHANGE OF
}) PLEA
}) Date: August 26, 2024
}) Time: 9:00 a.m.
}) Judge: Hon. Shubb
})

STIPULATION

The United States of America through its undersigned counsel, Justin Lee, Assistant United States Attorney, together with Attorney Dina Santos, counsel for Gildardo Perez Avilez, hereby stipulate the following:

1. The Status Conference was previously set for May 28, 2024. By this stipulation, the parties now move to continue the Status Conference to **August 26, 2024, at 9:00 a.m.** and to exclude time between May 28, 2024, and August 26, 2024, under the Local Code T-4 (to allow defense counsel time to prepare).
2. The parties agree and stipulate, and request the Court find the following:
 - a. A continuance is requested to continue to allow the Defense to meet with the Client, review discovery, conduct investigation, and discuss a potential resolution and review plea agreement.

- 1 b. Counsel for the Defendant believes the failure to grant a continuance in this
- 2 case would deny defense counsel reasonable time necessary for effective
- 3 preparation, taking into account the exercise of due diligence.
- 4 c. The Government does not object to the continuance.
- 5 d. Based on the above-stated findings, the ends of justice served by granting the
- 6 requested continuance outweigh the best interests of the public and the
- 7 defendants in a speedy trial within the original date prescribed by the Speedy
- 8 Trial Act.
- 9 e. For the purpose of computing time under the Speedy Trial Act, 18 United
- 10 States Code Section 3161(h)(7)(A) within which trial must commence, the
- 11 time period of May 28, 2024, and August 26, 2024, inclusive, is deemed
- 12 excludable pursuant to 18 United States Code Section 3161(h)(7)(A) and
- 13 (B)(iv), corresponding to Local Code T-4 because it results from a continuance
- 14 granted by the Court at defendant's request on the basis of the Court's finding
- 15 that the ends of justice served by taking such action outweigh the best interest
- 16 of the public and the defendant in a speedy trial.
- 17 3. Nothing in this stipulation and order shall preclude a finding that other provisions
- 18 of the Speedy Trial Act dictate that additional time periods are excludable from
- 19 the period within which a trial must commence.

21 **IT IS SO STIPULATED.**

23 DATE: May 22, 2024

Phillip Talbert
United States Attorney

/s/ Justin Lee
JUSTIN LEE
Assistant U.S. Attorney

27 DATE: May 22, 2024

/s/ Dina Santos
DINA SANTOS
Attorney for Gildardo Perez Avilez

ORDER

The Court has read and considered the Stipulation Regarding Excludable Time Period Pursuant to Speedy Trial Act, filed by the parties in this matter. The Court hereby finds that the Stipulation, which this Court incorporates by reference into this Order, demonstrates facts that provide good cause for a finding of excludable time pursuant to the Speedy Trial Act, 18 U.S.C. § 3161.

The Court further finds that: (i) the ends of justice served by the continuance outweigh the best interest of the public and defendant in a speedy trial; and (ii) failure to grant the continuance would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

Nothing in this Order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excluded from the period within which trial must commence.

IT IS SO ORDERED.

Dated: May 23, 2024

William B. Shubb
WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE